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Security Council

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Statement by the President of the Security Council

At the 7115th meeting of the Security Council, held on 21 February 2014, in connection with the Council's consideration of the item entitled "The promotion and strengthening of the rule of law in the maintenance of international peace and security", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council reaffirms the statement of its President of 19 January 2012 (PRST/2012/1) and its continued recognition of the need for universal adherence to and implementation of the rule of law, as well as emphasis on the vital importance it attaches to promoting justice and the rule of law as an indispensable element for peaceful coexistence and the prevention of armed conflict.

"The Security Council further reaffirms its commitment to international law and the Charter of the United Nations, and to an international order based on the rule of law and international law, which are essential for cooperation among States in addressing common challenges, thus contributing to the maintenance of international peace and security.

"The Security Council recalls the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, held on 24 September 2012.[1]

"The Security Council underscores that sustainable peace requires an integrated approach based on coherence between political, security, development, human rights, including gender equality, and rule of law and justice activities. In this regard the Council emphasizes the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peace building.

"The Security Council reaffirms the primary responsibility of national authorities in identifying their priorities and strategies for post-conflict peacebuilding, and in this regard, reiterates that national ownership, responsibility and political will as well as concerted efforts of national governments, and the international community, are critical in building sustainable peace.

[1] A/RES/67/1

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"The Security Council underlines the importance of the support to the strengthening of rule of law institutions of the host country that is provided, where mandated, by a number of peacekeeping operations and special political missions within the scope of their mandates, working in coordination with relevant United Nations entities. In this regard, the Council recalls its resolution 2086 (2013) which noted that multidimensional peacekeeping missions may be mandated to provide such support in helping national authorities develop critical rule of law priorities and strategies to address the needs of police, judicial institutions and corrections system and critical interlinkages thereof, with a view to supporting the states' ability to provide critical functions in these fields, and as a vital contribution to building peace and ending impunity.

"The Security Council, with respect to activities in the rule of law field that may be a part of mandates of peacekeeping operations and special political missions:

– reiterates its resolve to give clear, credible and achievable mandates;

– underscores that the support to the strengthening of rule of law institutions of the host country should be considered in a country-specific context;

– emphasizes the importance of a sector-wide approach for security sector reform, which enhances the rule of law, including through the establishment of independent justice and correction systems, and reaffirms that effective security sector reform requires developing a professional, effective and accountable security sector that is under the civilian oversight of a democratic government;

– notes the important role that the police components of peacekeeping operations can play in strengthening the rule of law in conflict and post-conflict situations, by, *inter alia*, providing operational support to national police and other law enforcement agencies and supporting the reform, restructuring and rebuilding of such agencies, including through technical assistance, co-location, training and mentoring programmes;

– stresses the importance to avoid duplication and overlaps in the United Nations' rule of law structures and activities and to improve the manner in which coordination is conducted;

– highlights the responsibility of United Nations mission leadership in guiding and overseeing United Nations rule of law activities and coordinating United Nations country support in the field;

– emphasizes that mission planning processes for mandated rule of law activities undertaken by peacekeeping operations and special political missions should give full consideration to supporting national efforts to build rule of law institutions, taking into account the host country's specific needs;

– underlines the importance of partnerships and cooperation with Member States, regional, subregional, and international partners in delivering rule of law activities, and calls upon them to promote coherence and coordination of their peacebuilding plans and programmes with those of the peacekeeping

operations and special political missions, as well as the wider United Nations presence on the ground;

– further underlines that managing a transition from a peacekeeping operation or special political mission in relation to its rule of law activities should be based upon a timely analysis, in consultation with the host country, of any assistance beyond the duration of the mandate to enable peacebuilding and development actors to undertake the necessary strategic planning and fundraising, working in close partnership with the national authorities, and to transfer skills and expertise to host country officials and experts as quickly as possible in order to ensure a successful and durable transition.

"The Security Council notes the Secretary-General zero tolerance policy on sexual exploitation and abuse, as well as the human rights due diligence policy in the context of the relevant United Nations rule of law activities.

"The Security Council reiterates its concern about the situation of vulnerable groups affected by armed conflict, in particular women, children and displaced persons. The Council expresses particular concern about sexual and gender-based violence and violations and abuses against children in situations of armed conflict. The Council recognizes the importance of ending impunity for such acts through strengthened police, justice and corrections capacity, and the incorporation of gender and child protection perspectives in all rule of law programmes, including through justice sector reform and sexual, child protection and gender based violence training. The Council recalls in this regard resolutions 1325 (2000), 1612 (2005), 1820 (2008), 1882 (2009), 1888 (2009), 1889 (2009), 1960 (2010), 1998 (2011), 2068 (2012), 2106 (2013) and 2122 (2013). The Council reiterates its intention when establishing and renewing the mandates of United Nations missions to include provisions for the protection of children and on the promotion of gender equality and the empowerment of women in conflict and post-conflict situations, including through the appointment of child protection and gender advisers and provisions to protect children's rights and to facilitate women's full participation and access to justice through legal, judicial and security sector reforms, and wider post-conflict reconstruction processes.

"The Security Council notes with concern the particular challenges that transnational organized crime, including trafficking in illicit weapons, drugs and persons, as well as piracy, armed robbery at sea and terrorism, may pose to the security of countries on its agenda, including post-conflict states. The Council encourages the coordination of United Nations actions, including through peacekeeping operations and special political missions, where mandated, as well as Member States' actions in fighting these threats through implementation of national and international applicable norms, relevant international long-term capacity building efforts and regional initiatives.

"The Security Council reaffirms its strong opposition to impunity for serious violations of international humanitarian law and human rights law. The Council emphasizes the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for war crimes, genocide and crimes against humanity in order to prevent these crimes, avoid their recurrence and seek sustainable

peace, justice, truth and reconciliation. The Council welcomes concerted efforts at the national and international levels to this end.

"The Security Council recognizes the contribution of national justice systems to fight against impunity for serious violations of international humanitarian law and human rights law and underlines the importance of strengthening national accountability mechanisms with full respect for due process and the rights of the defence, including building investigative, prosecutorial and witness protection capacities, in post-conflict countries. The Council also highlights that regional and subregional organizations and arrangements can contribute to accountability through support for enhancing the capacity of national justice systems.

"The Security Council stresses that the fight against impunity and to ensure accountability for genocide, crimes against humanity, war crimes and other egregious crimes has been strengthened through the work on and prosecution of these crimes in the international criminal justice system, ad hoc and mixed tribunals as well as specialized chambers in national tribunals. The Council recognizes in this regard the contribution of the International Criminal Court, in accordance with the principle of complementarity to national criminal jurisdictions as set out in the Rome Statute, towards holding accountable those responsible for such crimes. In this regard, the Council reiterates its call on the importance of State cooperation with these courts and tribunals in accordance with the States' respective obligations. The Council further reiterates its intention to continue forcefully to fight impunity and uphold accountability with appropriate means. The Council notes the Secretary-General's issuance of the latest guidance on contacts with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court.

"The Security Council notes the designation of the Department of Peacekeeping Operations and the United Nations Development Programme as the joint global focal point for the police, justice and corrections areas.

"The Security Council notes the report of the Secretary-General (S/2013/341) on measuring the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations and the recommendations contained therein."